



DEBUNKING THE MYTH OF “SANCTUARY CITIES”

COMMUNITY POLICING POLICIES PROTECT AMERICAN COMMUNITIES

By Lynn Tramonte

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ABOUT SPECIAL REPORTS ON IMMIGRATION

The Immigration Policy Center's Special Reports are our most in-depth publication, providing detailed analyses of special topics in U.S. immigration policy.

ABOUT THE AUTHOR

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ABOUT THE IMMIGRATION POLICY CENTER

The Immigration Policy Center, established in 2003, is the policy arm of the American Immigration Law Foundation. IPC's mission is to shape a rational conversation on immigration and immigrant integration. Through its research and analysis, IPC provides policymakers, the media, and the general public with accurate information about the role of immigrants and immigration policy on U.S. society. IPC reports and materials are widely disseminated and relied upon by press and policymakers. IPC staff regularly serves as experts to leaders on Capitol Hill, opinion-makers, and the media. IPC is a non-partisan organization that neither supports nor opposes any political party or candidate for office. Visit our website at www.immigrationpolicy.org and our blog at www.immigrationimpact.com.

EXECUTIVE SUMMARY

There is much confusion about the term “sanctuary city.” The term is often used derisively by immigration opponents to blast what are best described as community policing policies. Critics claim that these cities and states provide “sanctuary” to undocumented immigrants, but research shows that the opposite is true. In fact, community policing policies are about providing public safety services, not sanctuary, to both immigrant residents and the entire community. Crime experts, including hundreds of local police officers, have found that cities with community policing policies continue to work closely with DHS and have built bridges to immigrant communities that have improved their ability to fight crime and protect the entire community.

Historically, the federal government has enforced civil immigration law, and state and local police have focused on enforcing criminal law. However, propelled by increased frustration with the nation’s broken immigration system and by growing anti-immigrant sentiment, politicians’ demands for state and local police to take on an increased role in immigration enforcement have grown exponentially. This culminated in the passage of Arizona’s notorious SB1070 law in 2010, which would turn Arizona state and local police officers into deportation agents.

“We cannot police a community that will not talk to us.”

–Ron Miller, Police Chief of Topeka, Kansas¹

Laws like SB1070 are not only unnecessary, they are dangerous. State and local police already have the authority to arrest anyone suspected of criminal activity, including non-citizens, and police regularly work with the Department of Homeland Security (DHS) to identify foreign-born criminals, detain them, and transport them for eventual deportation. However, most police do *not* arrest immigrants solely for being undocumented. Despite the media attention Sheriff Joe Arpaio in Arizona has garnered for treating undocumented immigrants like criminals, most state and local police do not want to be put in the position of identifying non-criminal immigrants for deportation because they believe doing so would make it more difficult for them to earn the trust of immigrant residents and protect the entire community from criminals. In fact, their concerns about the impact of laws like Arizona’s SB1070 have been a key reason that similar measures have failed to advance in states like Colorado and South Dakota.

More than 70 cities and states across the country have adopted policies that prevent police agencies from asking community residents who have not been arrested to prove their legal immigration status. These policies do allow state and local police to report foreign-born criminals to DHS. Based on the tenets of community policing, these policies make it safe for immigrant crime victims and witnesses to report criminals to the police and help put them behind bars.

This report concludes that:

- “Sanctuary city” is not an accurate term for cities with community policing policies. The police who rely upon community policing policies do not provide “sanctuary” to undocumented immigrants—they already have the authority to arrest criminals regardless of immigration status, and they already work with DHS to identify immigrant criminals. The cities and states that actively encourage police to enforce civil immigration laws are the real “sanctuaries” for criminals, because they are alienating a segment of the community that experiences crime, but is afraid to report it.
- State and local police departments around the country support community policing policies because they help immigrants work with the police to put criminals behind bars.
- Crime experts, as well as advocates for crime victims, agree that community policing policies are essential to protecting the entire community and encouraging immigrants to access police protection.
- Despite the fact that elected officials, police officers, law-enforcement associations, and many others have stated that expanded local enforcement of immigration laws undermines public safety, some critics and policymakers continue to oppose community policing strategies that limit police inquiries about immigration status. They insist that these state and local policies violate federal law and allow foreign-born criminals to avoid deportation, dismissing repeated statements from state and local police to the contrary. However, Members of Congress, DHS, and the U.S. Department of Justice (DOJ) have determined that states and localities with community policing policies are complying with federal law and properly assisting immigration agents in identifying undocumented criminals.

INTRODUCTION

In Providence, Rhode Island, Guatemalan immigrant Danny Sigui helped convict a murderer by providing critical testimony against the accused. During preparation of the case, the state attorney general's office learned that Sigui was an undocumented immigrant, and reported him to the U.S. Department of Homeland Security (DHS).¹ Sigui was deported following the trial in 2003. When asked whether he would have come forward again, knowing that doing so would lead to his deportation, Sigui replied: "If I had known they would take my liberty, that they would take my children away from me, that they would put me [in immigration detention], I would not do this."² Without Sigui's testimony in the case, a murderer might have gone free. With Sigui's testimony, his subsequent deportation, and the publicity around it, one murderer is behind bars, but more criminals are free to prey on victims silenced by his example.

Historically, the federal government has enforced civil immigration law, and state and local police have focused on enforcing criminal law. However, propelled by increased frustration with the nation's broken immigration system and by anti-immigrant sentiment, demands for state and local police to take on an increased role in immigration enforcement have grown exponentially.

Based on the tenets of community policing, these policies make it safe for immigrant crime victims and witnesses to report criminals to the police and help put them behind bars.

State and local police already have the authority to arrest anyone suspected of criminal activity, including non-citizens, and police regularly work with DHS to identify foreign-born criminals, detain them, and transport them for eventual deportation. However, most police do *not* arrest immigrants solely for being undocumented. Despite the media attention Sheriff Joe Arpaio in Arizona has garnered, most state and local police do not want to be put in the position of enforcing civil immigration laws because they believe it would make it more difficult for them to protect their communities. In fact, their concerns over the impact of laws like Arizona's SB 1070 have been a key reason that similar measures failed to advance in states like Colorado and South Dakota. As Sigui's case illustrates, there is a real cost to this shift that damages local residents' trust in the police and undermines public safety.

More than 70 cities and states across the country have adopted policies that prevent police agencies from asking community residents who have not been arrested to prove their legal immigration status. These policies do allow state and local police to report foreign-born criminals to DHS.³ Based on the tenets of community policing, these policies make it safe for immigrant crime victims and witnesses to report criminals to the police and help put them behind bars. Critics claim that these cities and states provide "sanctuary" to undocumented immigrants, but research shows that the opposite is true. Crime experts, including hundreds of local police officers, have found that cities with community policing policies do work closely with DHS when they have actual criminals in custody. Moreover, they have built important bridges to immigrant communities that enhance their ability to fight crime and protect all residents.

“Sanctuary City” is a Misnomer

There is much confusion about the term “sanctuary city.” The term is often used derisively by immigration opponents to blast what are best described as community policing policies. In fact, community policing policies are about providing safety, not sanctuary, to the residents of U.S. communities.

The phrase “sanctuary city” is a relic of decades-old policies. In the 1980s, thousands of Central American refugees came to the United States seeking protection from civil wars raging in the region. Initially, many were denied asylum in the United States due to Cold War politics, and were therefore “undocumented.” Churches, synagogues, and other religious institutions banded together to oppose the return of these refugees to the countries where they had been persecuted. These institutions became part of the Sanctuary Movement, a sort of “underground railroad” for Salvadoran and Guatemalan asylum-seekers which helped with legal representation, employment, and other basic needs. Some cities pledged solidarity with the Sanctuary Movement and opposition to the government’s treatment of these refugees. Eventually, through lawsuits and changes to federal law, most of the asylum-seekers won a second chance at legal immigration status, and many are now U.S. citizens.⁴

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The concept of community policing began taking shape in the late 1970s, however, before the Sanctuary Movement began. Cities with growing immigrant populations began adapting the community policing framework to their changing communities. In 1979, the Los Angeles Police Department issued Special Order 40,⁵ which prohibits police officers from inquiring about the immigration status of people not suspected of crimes. According to the policy, which remains in effect today, “participation and involvement of the undocumented alien community in police activities will increase the Department’s ability to protect and serve the entire community.”⁶ In addition to reassuring immigrant crime victims that they can report their attackers without risking deportation, the Los Angeles policy instructs officers on how to refer non-citizens arrested for crimes to federal authorities. As the promise of community policing took root, many other cities with large immigrant populations enacted policies like Los Angeles’.⁷

After the terrorist attacks of September 11th, 2001, certain immigration enforcement actions conducted in the name of fighting terrorism began to harm the relationship between immigrant residents and state and local police.⁸ As a way to re-establish trust with immigrant residents and encourage crime reporting by all, more cities and states enacted community policing policies based on the Los Angeles model. Some of these policies were enacted by legislative bodies, while others were issued as executive orders. Still others exist as police department general orders or operating instructions, and a few were even mandated by the courts due to lawsuits challenging unlawful immigration enforcement actions by police.⁹ These community policing policies now exist in towns large and small, from Portland, Maine to Portland, Oregon, and many places in between.

Community Policing and Immigration Enforcement

State and local police departments around the country support community policing policies because they encourage immigrants to work with the police to put criminals behind bars. According to Kenneth E. Lavalley, Police Chief of Lowell, Massachusetts: “When immigrant residents of Lowell are afraid to report crimes because they worry that contact with my officers could lead to deportation, criminals are allowed to roam free and the entire community suffers as a result.”¹⁰

The International Association of Chiefs of Police (IACP), the nation’s premier law-enforcement association, voiced its perspective in a 2004 policy paper, “Enforcing Immigration Law: The Role of State, Tribal and Local Law Enforcement.”¹¹ According to the IACP, “local police agencies depend on the cooperation of immigrants, legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.” Federal legislation that would sanction police departments unless they reversed their community policing policies was deemed “unacceptable” by this law-enforcement institution.

In 2006, the Major Cities Chiefs Association (MCCA), a group of police chiefs from the 64 largest police departments in the United States and Canada, issued a similar policy statement. According to the MCCA, “without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.”¹²

In 2009, the Police Foundation published an extensive and ground-breaking report on the impact of immigration enforcement by state and local police on community policing, based on interviews with scores of police chiefs from across the nation and analysis from criminal justice experts.¹³ Fully 70 percent of police chiefs surveyed believe that immigrant crime victims are less likely to contact local police than other members of the community, while less than 20 percent said they think immigrants are just as likely to contact the police. In addition, more than 15 percent of chiefs surveyed say their officers do ask about the immigration status of crime victims or witnesses. These findings led the Police Foundation to conclude that police should focus on criminal laws, not civil immigration enforcement, and engage in a dialogue with representatives of the immigrant community to ensure that immigrants work with state and local police when they are victims of or witnesses to crime. The report’s authors also conclude that the federal government should do its job and “comprehensively improve border security and reform the immigration system, because the federal government’s failure on both issues has had serious consequences in cities and towns throughout the country.”

In 2011, the Police Executive Research Forum also released an extensive report on this topic, after hosting a series of dialogues on immigration with police chiefs and other stakeholders

across the nation.¹⁴ The report includes case studies describing how chiefs in certain communities managed tensions and diverse points of view when crafting their own immigration policies. The report also makes a number of recommendations for federal, state, and local governments, such as encouraging police departments to craft written policies on immigration enforcement and involve immigrant residents in their development; limiting police enforcement of immigration laws to focus on actual criminals; and passing federal, comprehensive immigration reform.

These law-enforcement experts understand that the entire community suffers when a portion of the population is too fearful to cooperate with the police. Many immigrant families are “mixed status” families, comprised of U.S. citizens, legal permanent residents, and undocumented immigrants.¹⁵ The fear of deportation among immigrant families is so intense that even legal residents and U.S. citizens can be afraid to contact law enforcement unless they know it is “safe” to do so.

Criminal justice expert David A. Harris, a professor at the University of Pittsburgh School of Law, writes that immigrants are often preyed upon by criminals who assume they will be less likely to contact the police out of fear of deportation. In his book *Good Cops: The Case for Preventive Policing*, Harris says police can help combat that vulnerability and put more criminals behind bars by keeping the immigration status of crime victims and witnesses confidential, and communicating this policy clearly to the immigrant community. According to Harris, after a wave of violent robberies in Austin, Texas, Assistant Police Chief Rudy Landeros launched an outreach campaign to encourage Latinos of all immigration statuses to report crimes to the police.¹⁶ His police department told the community: “Trust us. We are not Immigration, we are not going to arrest you, and we are not going to deport you.” As a result of the Department’s efforts, reports of armed robberies grew by 20 percent, and over 150 serial criminals were arrested.

“Trust us. We are not Immigration, we are not going to arrest you, and we are not going to deport you.”

–Rudy Landeros,
Assistant Police Chief,
Austin Texas

Advocates for crime victims agree that community policing policies are essential to encouraging immigrants to access police protection. In February 2011, Leslye Orloff, Director of the Immigrant Women Program of Legal Momentum and Co-Founder of the National Network to End Violence Against Immigrant Women, testified before Congress that “undocumented immigrant victims are reticent to call the police because they have a justifiable fear that their lack of immigration status will trump the criminal justice protections afforded crime victims under the law.”¹⁷ Orloff points out that the consequences go beyond the immigrant community. “As immigrant victims are deterred from reporting crimes, perpetrators are not held accountable for their crimes. A perpetrator who victimizes an undocumented immigrant is just as capable of committing the same crime against a U.S. citizen.”¹⁸ In her testimony, Orloff recommended that all cities and states adopt community policing policies that encourage immigrants to report crimes without fear of deportation.

In the report *Balancing Federal and Local Priorities in Police-Immigrant Relations*, Michele Wucker, Executive Director of the World Policy Institute, provides a snapshot of how relations between police and the immigrant community have been managed successfully in Portland, Oregon since September 11th, 2001.¹⁹ This city has a resolution affirming a provision in the state code that prevents state and local police from investigating or detaining persons who have not violated criminal laws, even though they may have committed a civil immigration law violation. According to the report, the city of Portland has cultivated a strong working relationship with members of the Muslim, South Asian, Arab, and immigrant communities over the course of several years through a commitment to two-way dialogue and incorporating the communities' concerns into city business. After September 11th, the Portland Police Department helped establish a community advisory organization made up of Arab and Muslim community leaders; acted promptly to address safety concerns faced by members of the Muslim, Arab, and South Asian communities experiencing hate crimes; and refused to participate in certain federal law-enforcement programs that targeted residents based on national origin or religion instead of conduct. According to Wucker, "the Portland police department's refusal to implement the Bush administration's calls for enforcing federal policy bolstered local Muslims' sense of security, as did police-community dialogue and the police department's commitment to working with immigrant groups."²⁰

Unfortunately, examples of state and local police involvement in the deportation of non-criminals also exist, and send powerful messages to local communities that dismantle community trust. The case of Danny Sigui, mentioned earlier, is but one example. During the October 2002 sniper rampage in the Washington, DC area, many immigrants were fearful of approaching the authorities with tips and information. The arrest and deportation of a pair of undocumented workers who were not involved in the crimes, but simply used a phone booth staked out by the investigative team, validated those fears.²¹ Following this highly visible development, then-Montgomery County, Maryland, Police Chief Charles Moose had to take to the airwaves and make a plea to the region's immigrant residents, asking for their cooperation. Then-INS Commissioner James Ziglar also tried to reassure immigrants that the agency would not question the immigration status of those who came forward with information, but the damage to community trust was done.

More recently, the dramatic expansion of federal programs involving state and local police in immigration enforcement is having a dangerous impact on community policing. 287(g)²² and Secure Communities²³ are two federal programs that involve state and local police in the deportation of immigrants. Although described as targeting foreign-born criminals, these programs—as well as the erroneous belief that state and local police have the "inherent authority" to enforce civil immigration laws—are also sweeping up immigrants who have not committed crimes, and harming the relationship between police and the immigrant community.

After extensive review of the 287(g) program, the Migration Policy Institute concluded that "the program is not targeted primarily or even mostly toward serious offenders" and is unevenly applied in jurisdictions across the country.²⁴ Fully half of those identified for deportation under 287(g) were accused of traffic offenses or misdemeanors, not the drug, property, and violent crimes that are the program's stated priorities. MPI also found "evidence of fear, distrust of police, and immigrants avoiding public spaces" in certain jurisdictions and credited these

dangerous effects to “the combination of widespread traffic enforcement in immigrant neighborhoods and the subsequent processing of traffic violators through the 287(g) program—a combination that means minor traffic violations can result in removal.”²⁵

According to the government’s own data—analyzed by the National Day Laborer Organizing Network, Center for Constitutional Rights, and the Kathryn O. Greenberg Immigration Justice Clinic of the Benjamin Cardozo School of Law—at least one quarter of the people identified for deportation via Secure Communities are not criminals.²⁶ Still others have committed low-level offenses, like traffic violations, or are charged with other crimes, but never convicted. Like MPI’s 287(g) analysis, the groups’ review of Secure Communities also showed significant inconsistencies with how jurisdictions applied the program, with some areas focusing entirely on criminals and others focusing almost entirely on non-criminals.

In one high-profile example, Maria Bolanos, a victim of domestic violence, was referred to DHS for deportation through the Secure Communities program.²⁷ After calling police in Maryland to seek protection from her abuser, Bolanos was initially charged with a crime and her fingerprints were sent to the federal government via Secure Communities. Bolanos’ criminal charges were ultimately dropped, but not before she was put into deportation proceedings.

Dual arrests are common in domestic disputes, so what happened to Bolanos could easily happen to another victim of domestic violence as Secure Communities is implemented nationwide. Lynn Neugebauer, an advocate for victims of domestic violence, described the insecurity this program is creating: “How can I as a lawyer say now in good conscience, free and clear, ‘Don’t worry about anything, call the police,’ because if you call the police, you can be reported to immigration services?”²⁸

When undocumented immigrants see the police arresting people who are not hardened criminals, but rather workers without papers just like them—whether through Secure Communities, 287(g), or the “inherent authority” doctrine—they become more fearful that cooperating with the police could have the same result for them or their loved ones. This is the very problem that agencies are trying to solve by implementing pro-active community policing policies. Given the expansion of these federal programs, however, community policing policies are not enough. The federal government also has to reform these initiatives so that they focus on dangerous criminals, and work with state and local police on a public education campaign so that immigrants once again feel safe working with local law enforcement.

The Battle of Politics vs. Good Policy

Despite the fact that elected officials, police officers, law-enforcement associations, and many others have stated that local enforcement of immigration laws undermines public safety,²⁹ some politicians continue to oppose community policing strategies that limit police inquiries about immigration status. They insist that these state and local policies violate federal law and allow foreign-born criminals to avoid deportation, dismissing repeated statements from state and local police to the contrary. This was the sentiment that led Arizona state senator Russell Pearce to craft the notorious S.B. 1070, which encourages state and local police to check the immigration status of individuals they come across in a variety of situations, and also tries to

invalidate state and local police policies that limit such inquiries in the interest of community policing. Arizona’s Governor Jan Brewer signed the law in 2010 despite opposition from the Arizona Association of Chiefs of Police (AACOP), who said it “will negatively affect the ability of law enforcement agencies across the state to fulfill their many responsibilities in a timely manner.” The association also wrote: “While AACOP recognizes immigration as a significant issue in Arizona, we remain strong in our belief that it is an issue most appropriately addressed at the federal level.”³⁰

Numerous other law-enforcement leaders, in Arizona and elsewhere, have spoken out strongly against Arizona-type immigration legislation.³¹ Key provisions of the Arizona law have yet to be implemented, thanks to an injunction by the court following the federal government’s lawsuit. However, other states and cities are currently considering policies similar to S.B. 1070. They would be wise to heed the words of local law enforcement before passing such bills. Art Acevedo, chief of the Austin Police Department, described the impact of a law like S.B. 1070:

“I’m not aware of any city, although I may be wrong, that actually interferes with our ability to enforce the law.”

*—Michael Chertoff,
Secretary of the Department
of Homeland Security under
George W. Bush*

In addition to hampering crime-fighting efforts and harming public safety, the new law will reverse the gains made through long-term efforts to create an environment of trust between the migrant community and law enforcement, and further push millions of our illegal neighbors and friends away from the mainstream and into the fringes of society. This will undoubtedly further exacerbate an atmosphere of fear and mistrust. Women subjected to rape and domestic abuse will once again be hesitant to come forward; families robbed of their life savings will remain silently quivering in the confines of their homes; and neighbors of known human and drug traffickers will remain quiet. Ultimately, we will all suffer from Arizona’s foolhardy and shortsighted approach to dealing with illegal immigration. Arizona has essentially declared open season for criminals to target illegal immigrants and their families.³²

The case made today against these community policing policies and for laws like Arizona’s SB1070 are similar to accusations made during the mid-1990s, when the country was wrestling with similar anti-immigrant sentiments. In 1996, the U.S. Congress passed two provisions aimed at undercutting cities and states that practice community policing policies. Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act³³ and section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act³⁴ barred state and local governments from preventing their employees from disclosing immigration status information to federal immigration authorities. However, the laws did not address policies that prohibit state and local officials from acquiring that information in the first place, and they did not affirmatively require agencies to ask the immigration status of crime victims, for example.

Following the enactment of the 1996 laws, some community policing policies had to be revised—most famously the city of New York’s, when then-Mayor Rudy Giuliani lost his suit against the federal government to prevent implementation of the 1996 provisions.³⁵ Post-

1996, community policing policies, including the revised New York policy, have survived legal scrutiny. A lawsuit challenging Los Angeles Special Order 40 was blocked in June 2008 when the judge rejected arguments that it conflicted with federal and state law. Los Angeles Police Chief William Bratton praised the ruling, saying that the judge preserved “an essential crime-fighting tool for us.”³⁶

In fact, in response to inquiries from Members of Congress, DHS and DOJ determined that states and localities with community policing policies are complying with federal law and properly assisting immigration agents in identifying foreign-born criminals. During a 2007 hearing of the House Homeland Security Committee, DHS Secretary Michael Chertoff told Rep. Ginny Brown-Waite (R-5th/FL): “I’m not aware of any city, although I may be wrong, that actually interferes with our ability to enforce the law.”³⁷ And a 2007 DOJ audit examining police-DHS cooperation confirmed Secretary Chertoff’s analysis. According to the DOJ Office of Inspector General:

Our review did not disclose any instances of outright failure to cooperate with ICE [Immigration and Customs Enforcement, a division of DHS] in the removal of criminal aliens from the United States. Instead, we found that local jurisdictions often set the enforcement of state and local law as a priority, while sometimes permitting or encouraging law enforcement agencies and officers to work with ICE to some degree on immigration matters.³⁸

Even the Bush Administration acknowledged that community policing policies do not interfere with ICE’s ability to enforce immigration laws and do not provide sanctuary to criminals. Nevertheless, politically motivated attacks on community policing policies continue, as a proxy for the larger issues related to the broken immigration system and Congress’s failure to restore control and order to U.S. immigration policy.

State and Local Police Push Back

Organizations representing state and local governments and police officers have responded forcefully to the Arizona immigration law and attacks on community policing. They report that the cities and states with pro-active immigration policies in place are also the ones that work most often with ICE to have foreign-born criminals deported. They contact the Law Enforcement Support Center—the entry point for ICE referrals—on a daily basis,³⁹ and receive the most SCAAP funding for detaining undocumented criminals.⁴⁰ They are the cities and states with the largest immigrant populations, and they have learned how best to police a diverse community and protect public safety. By challenging these cities and states that are doing everything they can to put criminals behind bars, some members of Congress are actually working against effective policing.

“***There is a misconception about our policy: that we don't do anything about illegal immigrants who commit crimes. That is not true. If you commit a crime, we arrest you.***”

—Chris Crockett, Phoenix Police Commander

The cities that utilize community policing strategies are actively working with the federal government to combat gangs and violence. Their community policing policies and anti-gang efforts are really two sides of the same coin, and immigrant assistance in reporting MS-13 gang members, for example, is crucial to getting those criminals off the streets. As Phoenix Police Commander Chris Crockett remarked: “There is a misconception about our policy: that we don’t do anything about illegal immigrants who commit crimes. That is not true. If you commit a crime, we arrest you.”⁴¹

John Feinblatt, former Criminal Justice Coordinator for the City of New York, summed up the debate over so-called “sanctuary cities” as a campaign of misinformation: “People who want to paint New York or other cities as not cooperating with immigration officials need to look at the facts,” he said.⁴² “[P]erhaps the most vivid example is in our city jail. ICE has its own office that we supply them. We do joint operations with them. For instance, ICE has estimated—conservatively, it says—that at least 200 new cases each month are identified through cooperative efforts of New York City.”

Restoring Law and Order

Despite the facts, the existence of so-called “sanctuary cities” continues to be a hot topic on right-wing talk radio and in the conservative blogosphere. Immigration opponents point to isolated, high-profile crimes committed by foreigners in order to “prove” their point that immigrants are likely to be criminals. However, research has consistently shown that immigrants are much less likely than the native-born to be in prison, and high rates of immigration are not associated with higher rates of crime.⁴³ Furthermore, the police who use these policies do not provide “sanctuary” to foreign-born criminals—they already have the authority to arrest criminals regardless of immigration status, and they already work with DHS to identify criminals who could be deported. Community policing policies help put criminals away, not shield them from detection. In fact, Phoenix Mayor Phil Gordon criticized Maricopa County Sheriff Joe Arpaio’s tactics on immigration enforcement, stating that Sheriff Arpaio has created a “sanctuary county for felons” by focusing on immigration and failing to pursue felony warrants.⁴⁴

What is driving this misinformation, and what can be done about it? Clearly, the public is frustrated with the federal government’s failure to design a rational immigration system and control our borders. Anti-immigrant politicians and pundits are exploiting that concern, using distortions to drive the public toward an anti-immigrant agenda. But when given a set of policy options, the public is much more pragmatic than many politicians in Washington believe.

Although voter support for the Arizona immigration law has been high, support for comprehensive immigration reform is consistently higher in poll after poll. The public wants action on immigration reform, and they want a real, practical solution. They want Congress to enact a federal immigration law that will restore control and order to our immigration system by screening the existing population of undocumented immigrants; isolating the few bad apples who should not be allowed to remain in the United States because they’ve committed crimes; requiring the rest to register and earn legal status; and fixing the problems with our system that created this situation in the first place.

As Salt Lake City Police Chief Chris Burbank wrote, “The federal government needs to pass comprehensive immigration reforms to truly fix the problem and relieve the burden on state and local police.”⁴⁵ Until Congress acts, state and local governments will be left dealing with the consequences of the broken system. Local police should not be forced to compromise community policing or public safety because of failed leadership in Washington. Politicians in both political parties should stop the blame game on immigration reform and start advancing some real solutions.

In the meantime, scores of police departments around the country have decided to make public safety their number-one priority, and reject politicians’ demands that would undermine their efforts to fight crime. Their community policing policies make all of us safer. The cities and states that actively encourage police to enforce civil immigration laws are the real “sanctuaries” for criminals, because they are alienating a segment of the community that experiences crime, but is afraid to report it.

Endnotes

¹ The Homeland Security Act of 2003 abolished the Immigration and Naturalization Service (INS). Its components were absorbed into the newly created Department of Homeland Security.

² Tatiana Pina, “[Guatemalan immigrant to be deported](#),” *Providence Journal*, August 6, 2003.

³ National Immigration Law Center, [Laws, Resolutions, and Policies Instituted Across the U.S. Limiting Enforcement of Immigration Laws by State and Local Authorities](#) (Washington, DC: December 2008).

⁴ Susan Gzesh, “[Central Americans and Asylum Policy in the Reagan Era](#),” Migration Information Source, April 2006.

⁵ Los Angeles Policy Department, Office of the Chief of Police, “[Special Order 40](#),” November 27, 1979.

⁶ *Ibid.*

⁷ National Immigration Law Center, [Laws, Resolutions, and Policies Instituted Across the U.S. Limiting Enforcement of Immigration Laws by State and Local Authorities](#) (Washington, DC: December 2008).

⁸ See the [Bill of Rights Defense Committee](#) for more information.

⁹ Michele Waslin, “Immigration Enforcement by Local and State Police: The Impact on Latinos,” *Law Enforcement Executive Forum 7*, no. 7 (November 2007): 15-32.

¹⁰ “The role of police in immigration enforcement,” *Lowell Sun* online, July 24, 2009.

¹¹ International Association of Chiefs of Police, “[Enforcing Immigration Law: The Role of State, Tribal and Local Law Enforcement](#)” (Alexandria, Virginia: November 30, 2004).

¹² Major Cities Chiefs Association, [Immigration Committee Recommendations For Enforcement of Immigration Laws by Local Police Agencies](#) (June 2006).

¹³ The Police Foundation, [The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties](#), April 2009.

¹⁴ Police Executive Research Forum, [Police and Immigration: How Chiefs are Leading their Communities through the Challenges](#), March 2011.

¹⁵ Jeffrey S. Passel, [Size and Characteristics of the Unauthorized Migrant Population in the U.S.](#) (Washington, DC: Pew Hispanic Center, March 7, 2006).

¹⁶ David A. Harris, [Good Cops: The Case for Preventive Policing](#) (New York: The New Press: 2005).

¹⁷ [Testimony](#) of Leslye E. Orloff before the Ad-Hoc Congressional Hearing: Emerging Issues in Ending Violence Against Immigrant Women, February 10, 2011, p. 5.

¹⁸ *Ibid.* p. 5.

¹⁹ Michele Wucker, [Balancing Federal, State, and Local Priorities in Police-Immigrant Relations](#) (Washington, DC: Immigration Policy Center, American Immigration Law Foundation, June 2008).

²⁰ *Ibid.*, p. 13.

²¹ Jeffrey Gettleman, “[The Hunt for a Sniper: Richmond is Jolted by a Sniper’s Attack and the Aftermath as Well](#),” *New York Times*, October 22, 2002.

²² U.S. Immigrant and Customs Enforcement Fact Sheet on 287(g) Program, April 28, 2008.

²³ U.S. Immigration and Customs Enforcement [web page](#) on Secure Communities.

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